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FM AMEMBASSY BISHKEK  
TO RUEHC/SECSTATE WASHDC 8595  
INFO RUCNCIS/CIS COLLECTIVE  
RUEHBJ/AMEMBASSY BEIJING 1813  
RUEHDBU/AMEMBASSY DUSHANBE 1381  
RHEFDIA/DIA WASHDC  
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RUEHNO/USMISSION USNATO BRUSSELS BE  
RUEHVEN/USMISSION USOSCE 2228  
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RUEHBS/USEU BRUSSELS  
RUEHLMC/MILLENNIUM CHALLENGE CORP  
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C O N F I D E N T I A L SECTION 01 OF 03 BISHKEK 001643

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DEPT FOR SCA/CEN, EUR/ACE, SCA/PPD

E.O. 12958: DECL: 11/20/2016

TAGS: [PGOV](#) [PINR](#) [PREL](#) [ASEC](#) [KG](#)

SUBJECT: BATTLE BEGINS OVER NEW KYRGYZ CONSTITUTION

REF: A. BISHKEK 1587

[1](#)B. BISHKEK 1586

[1](#)C. BISHKEK 1554

[1](#)D. BISHKEK 1537

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Classified By: Ambassador Marie L. Yovanovitch, reasons 1.4 (b) and (d)

[1](#)1. (C) SUMMARY: Kyrgyz government, opposition, and civil society leaders are still assessing the impact of the new constitution adopted November 9, and the political maneuvering over its implementation is well underway even though the official text has yet to be published. Reactions to the new constitution have ranged widely, with some seeing it as a complete victory for the opposition and shift of power to Parliament, others seeing it as "win-win," and still others believing that nothing will change since the players remain the same. Prime Minister Kulov characterized the new constitution as generally a step forward, though he and many others have noted that several irregularities needed to be worked out.

[1](#)2. (C) While the political compromise that led to the new constitution effectively ended the public protests for now, most observers agree that the Kyrgyz came very close to a more serious conflict, and that the political battles have just begun. Opposition members have made clear that high on their agenda is getting rid of PM Kulov, while presidential staff has told us they are calculating the benefits of calling new parliamentary elections soon. There are indications that the tandem emerged stronger than ever and that the government will try to unite the various parties it controls. Parliament, however, is showing some divisions. Already divided between pro-Bakiyev and anti-Bakiyev deputies, the opposition, having briefly united to force a new constitution, is now also exhibiting splits. END SUMMARY.

What Does It All Mean?

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13. (C) A week after a compromise on a new constitution effectively ended the opposition's street protest (Ref B), Kyrgyz government, opposition, and civil society leaders are still assessing the impact of the new constitution, often based on divergent interpretations of the text, which has yet to appear in its official form. (COMMENT: There is some cause for concern as in 2003 President Akayev engineered a bait and switch with texts of the constitution. While presidential administration sources tell us that such a deception is not possible now, they remain quiet about exactly what the problems are with the November 8 text and when it will be officially issued. In the meantime, the opposition is moving forward with the text they have in hand. END COMMENT) Reactions to the compromise have ranged widely, with some characterizing it as a complete victory for the opposition, others saying it was "win-win," others saying it did not matter as all the players remain the same, and at least one (FM Jekshenkulov) maintaining that nothing fundamentally had changed -- at least in Foreign Affairs.

14. (C) Most see the new constitution as only a first step. On November 13, Parliament began the long process of drafting legislation to conform existing laws to the new constitution; how the new Constitution is implemented will be key. Personalities will also play a big role. Many serious differences remain between the president and opposition leaders, and the opposition has given no indication that it plans to back away from its other demands.

Close to a Larger Conflict  
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15. (C) There was a sense of relief that the week-long demonstrations ended peacefully, but there is a consensus

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that the Kyrgyz came very close to a more serious conflict. Several commentators have said that the country came close to a "civil war." Interior Minister Suvanaliyev told the Ambassador that he was glad that MVD troops had done a good job managing the demonstrations. He said they had taken strong measures to separate the pro- and anti-Bakiyev demonstrators on November 6, because if there had been a clash, it would have been north vs. south, which could have led to a much more serious conflict. Opposition MP Temir Sariyev also expressed concern to the Ambassador that they had come "very, very close" to a more serious conflict during the protest, with the President being "provoked" several times by Kulov to take stronger measures against the protesters. Sariyev said that during the demonstration, Bakiyev, fearing a repeat of March 2005, reached out to his neighbors, including Putin, for help. In a dry conversation Putin reportedly told Bakiyev that he "didn't need" demonstrations in the streets and for Bakiyev to "get this resolved in parliament."

Bakiyev Stronger?  
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16. (C) Some of the president's supporters argue that Bakiyev's powers have been strengthened by the new Constitution. State Secretary Madumarov said that the parliament could not form a new government without the approval of the President. Foreign Minister Jekshenkulov said that the President was still in charge of foreign policy, and that he would still report to the President. Head of Presidential Administrative Department Kurmanbek Temirbayev told the Ambassador that he had advocated dissolution of Parliament on November 7, but the President chose the path of compromise and would rely on the support of pro-Bakiyev deputies in the Parliament. Given the importance of political parties under the new constitution, he said pro-Bakiyev parties were already working to consolidate, so as to be able to form a majority in Parliament and control the government.

¶17. (C) Deputy Head of the Presidential Administration Sadyrkulov told the Ambassador he was calculating the benefits of dissolving Parliament and calling new parliamentary elections ) and perhaps even new presidential elections so the president could reaffirm his mandate with the voters and sever his ties with the opposition leaders who brought him to power in March 2005. Sadyrkulov said the Parliament was already dividing and it would be possible to engineer dissolution of Parliament from within, as was done in 1994. He said the tandem had finally become a strong working partnership with Bakiyev and Kulov coming together on their own initiative on the critical night of November 6, rather than brought together by staff. Foreign Policy Advisor Ibragimov told Ambassador that a number of advisors in the White House opposed the compromise with the opposition and implied they were working to walk it back.

Sariyev: The People Won  
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¶18. (C) Opposition MP Temir Sariyev told the Ambassador November 14 that he was very happy with the outcome of the opposition protest. Sariyev believes that the parliament has the authority under the transitional provisions in the constitution to act immediately, and he laid out an ambitious list of reforms that the parliament would undertake. However, on November 17 when the first part of the Opposition agenda was to be passed, deputies could not convene a quorum. AkiPress owner Marat Tazebekov made clear to Ambassador that government manipulation was to blame.

Going After Kulov  
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¶19. (C) After months of criticizing the Bakiyev-Kulov tandem, the opposition now clearly has Kulov in its sights. Sariyev acknowledged that Kulov was a "key figure" whom they had supported in the past, but the opposition was disappointed by his conduct during the demonstrations, when he played both sides but ultimately sided with Bakiyev. Bakiyev clearly owes Kulov for sticking with him through this, but that also has made Kulov a target of the opposition. Sariyev said that the opposition believes that Kulov will always kowtow to the President and therefore cannot move forward a reform program.

¶10. (C) He said the Parliament would use its transitional authority to choose a new prime minister and cabinet of ministers. (Note: The new constitution allows all elected officials -- e.g. Bakiyev and Parliament -- to serve out their terms, but has no such guarantees for appointees -- e.g. Kulov and the ministers. End Note.) Sariyev said that there were three upcoming events -- the Prime Minister's accounting to the Parliament of the government's accomplishments for the year; the presentation of the budget; and the Parliament's confirmation of the government's program -- when the Parliament would be able to remove Kulov through (essentially) a vote of no confidence.

¶11. (C) Kulov, for his part, has been critical publicly of the deal on the constitution. He characterized the document as generally a step forward, but said the great haste of its drafting and adoption set a dangerous precedent and created irregularities and contradictions. (Others in both the government and in the opposition agree that the constitution is not internally consistent.) Kulov is probably also aware that under the transition provisions in the document, it appears that the existing parliament may have the power to choose a new prime minister who could, in turn, propose a new government. Interpretations differ, however, and even opposition Parliamentarians agree that at a minimum a transition law would have to be passed in order to do this. Others have raised questions about whether parliament could

take action to form a government without new elections, including Adilet Legal Clinic Director and opposition leader Cholpon Jakupova.

COMMENT

¶12. (C) In the aftermath of the demonstrations and apparent agreement on a new constitution, much of the dust has yet to settle. While battles, both public and private, continue over the scope and meaning of the new constitution, it is clear that the political landscape has been re-aligned. The current situation creates an opportunity for the Kyrgyz ) and also for the U.S. The window is open wider for our assistance programs to be successful, whether they are anti-corruption programs such as the Millennium Challenge Account Program, or regional emergency reform programs. Widespread disgust over the lack of unbiased information in the media similarly could provide us a receptive audience for press reforms. If efforts to reform the state-owned KTR television station are successful, we should be ready lend a hand in helping build a non-partisan news source for the benefit of all of Kyrgyzstan.

¶13. (C) We should quickly evaluate current programs and see where are our opportunities for greatest success. Problems of corruption and the state of the media have been the major issues in this latest conflict, and they will continue to be the driving issues in the coming months. Now is the time for us to be creative in determining how to use our resources and increase our influence.  
YOVANOVITCH